

**TOWN OF HERNDON, VIRGINIA**

**RESOLUTION**

**JUNE 10, 2014**

**Resolution- Application for a Special Exception SE #14-03, Home-based Child Daycare Use.**

**WHEREAS,** the applicant, Therese Stroupe, has submitted a request for a Special Exception to permit a home-based child daycare use with a maximum of twelve children on the property located at 288 Missouri Avenue, Herndon, Virginia and identified as Fairfax County Tax Map Reference 0164-04-23-0006; and

**WHEREAS,** the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

**WHEREAS,** the Planning Commission has recommended that the application be approved with conditions based upon the finding that the proposed use with conditions is not adverse to the purpose and intent of the Zoning Ordinance, in particular §78-202.3(e) and Section 78-402.7(k)(3); and

**WHEREAS,** the Town Council has reviewed the application and the Planning Commission recommendations and has found that the proposed use, with conditions, is not adverse to the purpose and intent of the Zoning Ordinance, in particular §78-202.3(e) and Section 78-402.7(k)(3).

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Herndon, Virginia, hereby:

1. Determines that this proposed use meets the following standards as found in §78-202.3(e):
  - a. Is consistent with the comprehensive plan.
  - b. Is free of conflict with any provision of this chapter and related town regulations or any other applicable local, state, or federal laws and regulations.
  - c. Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.
  - d. Consistent with the purpose and intent of the zoning district in which it is located, or will improve compatibility among uses and will ensure efficient development within the town.

- e. Minimizes adverse visual impact of the proposed use on adjacent lands.
  - f. Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices.
  - g. Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.
  - h. Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district.
  - i. Does not significantly and adversely impact the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
  - j. Results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of the level of service on the town's transportation network would occur and whether or not the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions on and around the site.
  - k. Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities).
  - l. If infill and redevelopment is consistent with the redevelopment criteria and other applicable guidelines as stated in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as amended.
  - m. If located in the floodplain overlay district, meets floodplain overlay standards.
2. The Town Council hereby grants to Therese Stroupe, the applicant, Special Exception #14-03 with the following conditions:
- a. Substantial Conformity. The site shall be developed and maintained in substantial conformance with the special exception plan submitted on March 19, 2014.

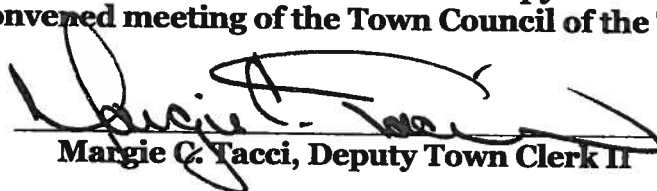
- b. Permitted use. The use shall be limited to a home-based child daycare with an on-site play area. The use shall also maintain compliance with the conditions set forth in the family day home license issued by the Department of Social Services of the Commonwealth of Virginia.
- c. Hours of Operation. The permitted hours of operation shall be 7:00 a.m. until 6:00 p.m. Monday through Friday.
- d. Number of Permitted Children. The total number of non-resident children present on site for the home-based child daycare use shall not exceed twelve per day. The children shall range in age from birth to four years, eleven months. The ratio of employees to children as required by the State shall be maintained.
- e. On-Site Play Area. When playing outside all children shall be within the fenced playground area.
- f. Child Drop-off and Pick-up. Child drop-off and pick-up shall be limited to the driveway and street in front of 288 Missouri Avenue. Child drop-off and pick-up shall not occur from any adjacent property. The applicant shall notify all current clients in writing of the procedures for child drop-off and pick-up within 7 days of the issuance of the zoning inspection permit reference below in condition "i." A copy of the written procedures shall be provided to the Zoning Administrator within the same timeframe. All new clients shall receive a copy of the child drop-off and pick-up prior to the child's first day of care. Violation of the drop-off and pick-up procedures may result in revocation of this special exception permit as described below in condition "j."
- g. Compliance with Other Regulations. The home-based child daycare use shall meet all applicable Town, County, State and Federal regulations.
- h. Signage. No signage shall be permitted.
- i. Commencement of Operation. Prior to commencement of operation, as permitted by this application if it is approved, a new zoning inspection permit shall be applied for by the applicant and approved, if it is approved, by the town.

- j. Termination. This special exception may be terminated by the Town Council, following public hearing, based upon information provided by the Zoning Administrator, if the use is not operated in accordance with the zoning ordinance and the conditions set forth above.
- k. Expiration. This special exception shall automatically expire, without notice, twelve months after the date of Town Council approval unless the proposed use has commenced operation. Additional time to commence the operation may be granted by the Town Council if a written request is submitted to the Zoning Administrator at least sixty days prior to the expiration date.

This special exception shall expire on March 6, 2017, the date of the expiration of the property owner's Family Day Home License issued by the Virginia Department of Social Services.

- l. Transferability. This special exception runs with the current land owners and business operators, David and Therese Stroupe, on the property identified as Fairfax County Tax Map Number 0164-04-23-0006 and is not transferable to future land owners or business operators of this property. This special exception is not transferable to future properties of the current land owners and business operators, David and Therese Stroupe.
  - m. Certification, Review and Inspection. The owner of the property shall provide to the town staff, written certification that the home-based child daycare use remains functioning and is being maintained as approved (if it is approved) by the special exception. Such written certification shall be provided to the zoning administrator every 24 months from the date of issuance of a zoning inspection permit. The property owner shall during reasonable hours upon prior notice make provisions to allow town officials to inspect the property.
3. This resolution by its terms shall be effective on and after the date of its adoption.

**This is certified to be a true and accurate copy of Resolution 14-G-46 adopted at a legally convened meeting of the Town Council of the Town of Herndon on June 10, 2014.**

  
Margie G. Tacci, Deputy Town Clerk II